IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2012 OF 2005

IN

SUIT NO. 1612 OF 2005

Prakash L. Chanderkar ....**Plffs.**
vs.
Suhas Laxman Chanderkar and ors. .....**Defnds.**

Mr. Chetan Kapadia i/b. Shroff and Co. for the plaintiffs.

Simil Purohit i/b. Adv. Pradnya Tilak for defendant no.2.

Mr. Kishore Shriyan for defendant no.1 and 3 to 6.

Mr. Vishal Thakkar i/b. Prashant Prabhu for defendant no.7 and 8.

CORAM: S.U. KAMDAR, J.

DATE : 22ND AUGUST 2005.

P.C. :

1. By consent of the parties motion is made

returnable forthwith and heard finally. Inso far as the property at Ex.A-1 and A-2 which re in possession of the 2nd defendant is concerned. the 2nd defendant states that he will not alienate, encumber or create any third party rights inrespect of the said property nor transfer any tenancies inrespect thereof. The 2nd defendant is further directed to serve a copy of the tenants to the plaintiffs. and other parties to the suit. The plaintiff is also directed that the income generated from the said properties by way of rent and other incomes to be deposited in Saving Accounts NO. 28420 Bank of India, Prabhadevi Branch. Defendant no.2 states that he shall continue to deposit the income generated from the said property in that account and will use the said amount for payment of outgoings, such as property taxes, electricity bills, water charges and other statutory dues only. In so far as the maintenance and repairs are concerned he is at liberty to make necessary application as far as Ex.A.3 is concerned.

2. Learned counsel for the defendant states that insofar as the balance properties are concerned the learned single judge in another suit has already passed an order not to sell or confer any development rights inrespect of the said property without prior leave of the court. IN view of the aforesaid orders no further leave is necessary.

3. In so far as Ex.A-4 Is concerned the said property exclusively belongs to the defendant no.2 and does not belong to the deceased. Thus no interim orders are passed in respect of the Ex.A.4. The documents are already on record to indicate that the defendant no.2 is an exclusively owner thereof.

4. IN so far as Ex.A.5 is concerned defendant no.7 and 8 are in possession thereof. The said is an agricultural property. The defendant no.7 and 8 are permitted to use, occupy and enjoy the said property. However they will not alienate,

encumber or create any third party rights till the disposal of the suit.

5. In so far as Ex.A.6 is concerned the details which are set out by the plaintiffs inrespect of the fixed deposits and the saving accounts lying with various banks each of the said banks are directed that if there is any fixed deposit in their branch or saving account in the name of the deceased Anandbai Laxman Chandekar either solely or jointly with other person then in that event the Bank Manager will deposit the same with the Prothonotary and Senior Master, High Court within a period of four weeks form today, On such deposit being made the Prothonotary is directed to invest the same in fixed deposit of any nationalised bank initially for three year and renew the same from time to time alongwith accrued interest till further orders.

6. In so far as Ex.A.7 is concerned no ad-interim order is necessary at this stage.

7. The aforesaid order is passed with the consent of all the parties. Motion disposed off accordingly. sd/-

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